

Amendments to the Drawings:

The attached sheets of drawings include changes to Figure 1 and Figure 2.
These sheets replace the original sheets including Figure 1 and Figure 2.

Attachment: Replacement Sheets

REMARKS

This Response is submitted in reply to the Office Action dated November 7, 2008. Claims 1, 5, and 6 have been amended. Claims 2 to 4 have been cancelled. New claims 7 to 17 have been added. No new matter has been added by such amendments, cancellations, or new claims. An Information Disclosure Statement is submitted herewith. Please charge deposit account number 02-1818 for any fees associated with the IDS and this Response.

The Office Action objected to claims 4 to 6 as being dependent upon a rejected base claim, but stated that claims 4 to 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent claim 1 to include the elements of previously presented claims 1 to 4. Thus, Applicant submits that amended independent claim 1 is in condition for formal allowance.

Amended claims 5 and 6, which depend directly from amended independent claim 1, also include at least the elements contained in previously presented claims 1 to 4. Thus, Applicant submits that amended claims 5 and 6 are also in condition for formal allowance.

The Office Action rejected claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by French Publication No. FR 2 670 452 to Reylans ("Reylans").

Reylans appears to disclose a device for engaging a cableway traction cable including a member 20 having two ends, wherein a first end (illustrated at line V) is connected to a support structure and wherein a second end (illustrated at line III) is connected to a shock absorber 25. Reylans also appears to disclose a spring 22 (illustrated at line IV) connected to the member 20 between the first end (at line V) and the second end (at line III), and a wheel 19 connected to the member 20 between the spring 22 (at line IV) and the shock absorber 25 (at line III).

As stated above, Applicant has amended claim 1 to include the elements of previously presented claims 2 to 4. Thus, in accordance with the Office Action's statement that claim 4 is allowable if rewritten in independent form to include the

elements of the base claim and any intervening claims, Applicant respectfully submits that amended independent claim 1 is patentably distinguished over Reylans and is in condition for allowance.

The Office Action rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Reylans in view of U.S. Patent No. 4,470,355 to Kunczynski ("Kunczynski").

The Office Action stated that Reylans does not disclose a pneumatic shock absorber. The Office Action relied on Kunczynski to remedy this deficiency of Reylans, stating that Kunczynski discloses a pneumatic shock absorber. Applicant has cancelled previously presented claim 3. Moreover, Applicant submits that regardless of whether or not Kunczynski discloses a pneumatic shock absorber, amended independent claim 1, which includes the elements of previously presented claims 1 to 4, is patentably distinguishable over Reylans in view of Kunczynski and is in condition for allowance.

New claim 7 is directed to a cableway traction cable damper including, among other elements, a lever having a body, the body including (i) a first end attachable to a roller battery of a support structure, and (ii) a second, free end, and a roller attached to the second, free end of the body of the lever, said roller engageable with the traction cable.

Applicant respectfully submits that neither Reylans or Kunczynski alone, nor the combination of Reylans and Kunczynski, discloses or renders obvious each and every element of new claim 7. Specifically, the combination of Reylans and Kunczynski does not disclose a cableway traction cable damper including a lever having a body, the body including (i) a first end attachable to a roller battery of a support structure, and (ii) a second, free end, and a roller attached to the second, free end of the body of the lever, said roller engageable with the traction cable. Reylans appears to be limited to a member having two ends, wherein the ends of the member are attached to a support and to a shock absorber, respectively. Neither of the ends of the member of Reylans is a free end, as in new claim 7. In addition, the wheel of Reylans appears to be disposed in the middle of the member, between the two ends which are attached to the support and the shock absorber. Unlike new claim 7, Reylans in view of Kunczynski does not

disclose a lever including a body having a second, free end, and a roller attached to the second, free end of the body of the lever, said roller engageable with the traction cable. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Reylans in view of Kunczynski to include a lever having a second, free end and a roller attached to the second, free end of the body of the lever said roller engageable with the traction cable. Thus, Applicant submits that new claim 7 is patentably distinguished over Reylans in view of Kunczynski and is in condition for allowance.

Claims 8 to 12 depend directly or indirectly from amended independent claim 7. Applicant respectfully submits that claims 8 to 12 are patentably distinguished over Reylans in view of Kunczynski for reasons similar to those given above with respect to claim 7 and because of the additional features recited in claims 8 to 12.

New independent claim 13 (and new dependent claims 14 to 17, which depend directly from new independent claim 13) each include certain similar elements to amended independent claim 1 with regards to a second lever and its interaction with a carrying cable and a first lever. For reasons similar to those given above (and as noted in the Office Action of November 7, 2008), Applicant respectfully submits that new independent claim 13 (and new dependent claims 14 to 16) are patentably distinguished over Reylans in view of Kunczynski and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY  _____

Adam H. Masia
Reg. No. 35,602
Customer No. 24573
(312) 807-4284

Dated: February 5, 2009